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Attorneys for Defendant
Birdies, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ROTHY'S, INC., a Delaware corporation,

Plaintiff,

v.

BIRDIES, INC., a Delaware corporation,

Defendant.

Case No.: 3:21-cv-02438-VC

**DECLARATION OF GREGORY P.
ADAMS IN SUPPORT OF RESPONSE
TO ADMINISTRATIVE MOTIONS TO
FILE MATERIALS UNDER SEAL
[DKT. NOS. 119]**

I, Gregory P. Adams, declare as follows:

1. I am an associate with the law firm of Fenwick & West LLP, counsel for Defendant, Birdies, Inc. ("Birdies"). I am a member in good standing of the State Bar of California and am admitted to practice before this Court. I submit this declaration in support of Birdies, Inc.'s Response to Rothy's motion for administrative relief to consider whether certain

1 materials should be sealed (Dkt. No. 119). I have personal knowledge of the facts set forth in this
2 declaration.

3 2. Rothy's filed under seal several documents attached to its declaration in support
4 of the administrative motion. Among these are the documents labeled as Exhibit C
5 (BIRDIES_00077229), Exhibit D (BIRDIES_00077248), and Exhibit G (deposition excerpts of
6 Ms. Bianca Gates).

7 3. In discovery productions, Birdies designated Exhibits C and D as "Highly
8 Confidential – Attorneys' Eyes Only," under the Protective Order in this case (Dkt. No. 43).
9 Birdies also designated the transcript of Ms. Gates's deposition as "Highly Confidential –
10 Attorneys' Eyes Only," under the Protective Order.

11 4. Birdies seeks to seal only the portions of Exhibits C, D, and G that are marked for
12 redaction in the attached. For the sake of clarity, Birdies uses the same exhibit naming
13 conventions as Rothy's.

14 5. Attached as **Exhibit C** is a redacted copy of the document that Rothy's filed under
15 seal as an attachment to the Declaration of Taylor J. Pfingst as Exhibit C (BIRDIES_00077229).

16 6. Attached as **Exhibit D** is a redacted copy of the document that Rothy's filed under
17 seal as an attachment to the Declaration of Taylor J. Pfingst as Exhibit D (BIRDIES_00077248).

18 7. Attached to as **Exhibit G** is a redacted copy of the document that Rothy's filed
19 under seal as an attachment to the Declaration of Taylor J. Pfingst as Exhibit G (Gates Transcript
20 Excerpts).

21 I declare under penalty of perjury that the foregoing is true and correct. Executed this
22 25th day of February 2022, at San Francisco, California.

23
24 /s/ Gregory P. Adams
25 Gregory P. Adams
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